

# LICENSEE

*Balancing effective public safety, excellent customer service and a reliable source of revenue.*

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## St. Maarten's Café Uses Simple Philosophy to Promote Responsible Drinking

By Rohn Brown

Jim Roland's recipe for success at St. Maarten's Café in Charlottesville is very simple. "He cares about people," said Susie Bruce, director of the center for alcohol and substance education at nearby University of Virginia. "He takes alcohol abuse very seriously. He recognizes that it's not just a drinking and driving issue. Jim can give you the names of people in the UVA community who died from alcohol-related causes."

Roland, who founded St. Maarten's Café in 1985 with partner Linda Roland, cites a few key ingredients to the success of the full service restaurant. He clearly believes initial training is a vital ingredient. Each server goes through seven hours of classroom training that includes review of the orientation manual, service manual and an in-house class that covers such topics as the effects of alcohol and how to spot fake identifications. His managers also use Virginia ABC's "Prevent Underage Sales" video and training packet.

Roland requires all new wait staff to "shadow" an experienced server for four shifts to learn how to apply the classroom training. On the fifth shift, the new server takes the lead with the experienced server in the background. He also sees the importance of reinforcing the training on a daily basis. Before each shift, the manager reminds the wait staff of the birth date to keep in mind when selling alcohol.

"My managers Tom Pattison and Russ Hamilton, who have been here for over 17 years combined, have been instrumental in making sure that we stay at the top of our game for the whole team," said Roland. "We continually teach our staff by reinforcing their positive efforts," said

Roland. "We reward the server who spots a fake ID or the person who does a great job cleaning the restroom."

While Roland and his managers frequently thank the staff, he also gives them tangible rewards—*St. Maarten's Bucks*.

"Sometimes I will give bucks to the cooks who got the food out fast when we were busy, or I will hide some behind the toilet for the person who cleans the restroom."

*"The manager sets the standard, otherwise it doesn't work. The managers need to make sure their staff knows what happens as far as the liability issue and the laws."*

The bucks are redeemable for St. Maarten's food and non-alcoholic beverages. "He wants to catch somebody doing something right, not wrong," said Bruce.

St. Maarten's has a staff of 17 full-time and 21 part-time employees, many of whom are UVA students. Roland makes it clear to his staff that their wages and tips will be impacted if he loses his ABC license. "If we lost our license, it would significantly cut into our business. Behind my staff, there are also 12 children that depend on the business we generate."

"Students who work for Jim are going to live up to the standards. If an owner checks IDs and enforces the standard, students are going to live up to that," said Bruce. "The manager sets the standard, otherwise it doesn't work. The managers need to make sure their staff knows what happens as far as the liability

issue and the laws."

In addition, Roland selects regular customers who are responsible drinkers as members of the "Coconut Club." Members are issued a special laminated card and an engraved mug with their name. He also cites numerous examples where the club members have helped point out customers who may be underage.

Perhaps the most important component of Roland's success is talking with people. "Jim is very visible," said Bruce. "His office is close to the entrance. People know he is the owner." Roland knows the Charlottesville police officer who works his area by first name and encourages him to visit. He also makes a point to be involved in alcohol-related committees with the university and welcomes the opportunity to talk with local high schools and community groups about running a responsible business that sells alcohol. "When you have that personal connection, people are less likely to put you (and your business) at risk. Customers don't want to get Jim in trouble," said Bruce.

To learn more about St. Maarten's Café, visit their web site at [www.stmaartencafe.com](http://www.stmaartencafe.com)

*Does your business have an innovative idea or practice that encourages responsible alcohol sales? If so, contact Rohn Brown, education coordinator, at [rmbrown1@abc.state.va.us](mailto:rmbrown1@abc.state.va.us) or 804-213-4571.*

## Enforcement Update



*S. Christopher Curtis, Director of ABC Bureau of Law Enforcement*

**R**eflecting on 2003 as we close another year, there were some major successes for ABC and its enforcement program. Even with hurdles such as state budget cuts limiting the agency's resources and staffing, the compliance rates at the end of the fiscal year were higher than ever. The alcohol compliance rate climbed to an impressive 84 percent, an increase from the 76 to 77 percent rate that has remained

steady for years. ABC attributes this increase to two major factors.

First, the presence of a hard-working team of special agents is a necessary component for increasing compliance. ABC has 130 dedicated special agents who monitor the activities of the licensee community on a daily basis, keeping public safety as the number one priority.

Second, the majority of licensees are actively taking steps to avoid sales to underage buyers. Licensees have attended the ABC trainings and understand the risks to their patrons, the community and to their establishments of not following the regulations. ABC depends on the licensees to monitor their establishments and prevent violations. It takes the cooperative efforts of licensees to ensure

the compliance rate increases and to see that other violations are eliminated.

Licensees can continue to strive towards the final goal of 100 percent compliance by attending ABC trainings such as MART and TIPS. In addition, please remember to be even more vigilant now that it's the holiday season. Traditionally, the winter holidays are linked to one of the deadliest times of the year on Virginia highways. In 2002 there were 62 fatalities and 5,084 injuries from the six major holiday periods alone. Of those fatalities, alcohol was the causing factor for more than one quarter. Please do your part to keep our streets safer by not selling to underage or intoxicated persons and encouraging designated drivers. Keep up the good work.

### A Plan to Merge

**L**anguage in the budget bill for the 2003 General Assembly instructed the Secretary of Public Safety John W. Marshall to develop a transition plan for merging ABC's Enforcement Bureau into the Virginia State Police, including any proposed legislation, and present it to the Governor and the chairpersons of various legislative committees. The purpose for the plan was to determine if consolidating regional offices, chains of command, human resources and training operations would mean an economic savings for the Commonwealth.

Committee members from ABC and Virginia State Police met numerous times and presented their findings to the Secretary, who presented a final plan to the Governor and the legislative committees by the October 15 deadline.

After much careful consideration, the Secretary concluded the following: "Our examination of the various scenarios for a transfer did not find such savings. Each option involved both one-time and ongoing additional expenses over and above the current expenditures for alcoholic beverage law enforcement under the current scheme. Each option also would include potential negative impacts on service levels."

To view the report in its entirety, visit the Secretary of Public Safety's web site at [www.publicsafety.virginia.gov](http://www.publicsafety.virginia.gov) and to track future legislations log onto [leg1.state.va.us](http://leg1.state.va.us)

### Product Listings Committee Ensures Availability of Quality Products

**V**irginia ABC's Product Listings Committee tests the popularity of new products and sees that in-demand items are released into the market for the convenience of licensees throughout the state. Twice a year vendors visit committee members at ABC's Central Office in Richmond to market their products, and the committee makes recommendations to the Board. If the Board approves a product's release, that item is shipped to 40 ABC stores of the vendor's choosing for sale.

From those 40 initial stores, the test market grows to a release in more vendor-selected stores and finally the product goes to all stores, if it produces adequate sales. Approximately 100 new products are released in ABC stores annually. If the new product doesn't meet the contribution margin in sales, then it's taken off the shelves.

If a licensee cannot find a new or old product on the shelves, the item can be ordered by contacting the local ABC store. Store management can call the Central Office warehouse, and the product(s) will be shipped to the store for pickup per the licensee's request. Licensees may also look through the special order catalog on the agency's web site at [www.abc.state.va.us](http://www.abc.state.va.us), which has approximately 300 items that can be ordered by the bottle.

If the product is not available in the catalog, licensees may ask the store manager to contact ABC's Special Order Department. Special orders that are not in the catalog must be purchased by the case and be obtainable from a source within the continental United States. For questions or special order requests, please contact an ABC store manager or the Special Order Department at (804) 213-4523 or e-mail [ncbrown@abc.state.va.us](mailto:ncbrown@abc.state.va.us).

## ABC Extends Special License to Mt. Vernon to Capture a Taste of History



**U**nder special license from Virginia ABC and the Federal Government, distillers used the Founding Father's own recipe and an 18th-century copper pot still over an open fire to distill the first George Washington whiskey in 200 years. The still was created as an exact replica of the Smithsonian Institution still.

A handful of guests, including Virginia ABC representatives, were invited to attend a special celebration October 21 at Mt. Vernon in Alexandria, Virginia to observe the distillers prepare the grain bill, ferment the sour mash and double distill our first President's whiskey. This whiskey, which is 60 percent rye, 35 percent corn and five percent barley, will be aged for several years in special hand-crafted port casks, then bottled and sold

at an auction to benefit Mount Vernon's educational programs.

"Today's historic event brings together the greatest distillers in modern America with the greatest distiller of colonial America," said Frank Coleman, senior vice president of the Distilled Spirits Council. The Council is a trade association representing producers and marketers of distilled spirits sold in the United States and the producer of the historic project.

"We were happy to work with the Distilled Spirits Council to make this happen," said Virginia ABC Chief Operating Officer Curtis Coleburn. "Not only is this event historically significant, but the funds raised through the recreation of the recipe will go to support worthwhile education initiatives at Mt. Vernon."

Coleburn was instrumental in seeing that the Council received the proper licensing to accommodate these unique circumstances.

Master distillers, representing America's most celebrated spirits brands, collaborated in making the historically authentic whiskey at the archaeology site of George Washington's Distillery. The "Master Distillers Dream Team Task Force" involved in this historical project included representatives from the following distilleries: Virginia Gentleman; Jack Daniels; Woodford Reserve; Maker's Mark; Jim Beam; Very Old Barton; Platte Valley; Wild Turkey; Cruzan Rum and Casa Bacardi.

"Using this still to replicate 18<sup>th</sup> Century distilling methods is a major step forward for us in our efforts to reconstruct and interpret Washington's whiskey distillery," said Mt. Vernon Chief Historian Dennis Pogue. "It's likely that we are the first ones ever to attempt to faithfully duplicate all the steps of the whiskey distilling process as it was carried out in the days of George Washington."

Washington became the region's most successful distiller after he left public office, producing 11,000 gallons of whiskey in 1799 that yielded him a profit of \$7,500, an extraordinary sum for the time. The Distilled Spirits Council is supporting the \$1 million-plus restoration of the distillery at Mt. Vernon.

## For Your Information

**A**s a reminder please note that licensees may not purchase Virginia wines from ABC stores for resale. According to the Code of Virginia, Section 4.1-326, "No licensee, other than a common carrier operating in interstate or foreign commerce, licensed to sell wine or beer at retail shall purchase for resale or sell any wine or beer purchased from anyone other than a wholesale wine, farm winery, brewery, bottler's or wholesale beer license." Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

ABC appreciates the licensees' compliance with this regulation. For more information on wine laws, please contact your local enforcement office or visit the ABC web site at [www.abc.state.va.us](http://www.abc.state.va.us)

Also worth noting by convenience store licensees is Chapter 50, Section 100 of the Virginia Administrative Code, which

details the types of food required for sale. According to VAC, "a convenience grocery store [is] an establishment which has an enclosed room in a permanent structure where stock is displayed and offered for sale, and which sells edible items intended for human consumption, consisting of a variety of items of the type normally sold in grocery stores."

"In regard to both grocery stores and convenience grocery stores, 'edible items' shall mean such items normally used in the preparation of meals, including liquids, and which shall include a variety (at least five) of representative items from each of the basic food groups: dairy, meat, grain, vegetables and fruit."

To retain a retail beer and wine off-premise license, convenience grocery stores must keep a monthly inventory of these items worth \$2,000 and maintain \$2,000 in monthly sales.

# Licensee violations and penalties — August - October 2003

Compiled by Public Affairs

As a result of ABC Bureau of Law Enforcement investigations and the ABC hearings process, the following businesses received a minimum sanction of 25 to 30-day suspension and \$1,000 fine from August 2003 to

October 2003. These Sanctions are reported to raise the awareness of ABC licensed businesses. The intent is to inform licensees of the potential penalties for violating Virginia's ABC Laws and Regulations.

It is the hope that making licensees aware of these major violations will serve as a deterrent. Most licensed establishments operate clean and safe businesses as encouraged by the Virginia ABC Board.

Licensee	Violation	Penalty
A & A Convenience Store/Richmond	Sold to underage person; Failed to keep managers name posted; failed to have manager present; failed to keep accurate & complete records	Accepted Offer in Compromise with fine of \$2,250
AHN's Restaurant/Yorktown	Failed to pay required State license fee by cash in that the licensee issued a bad check; purchased, kept and stored unauthorized alcohol; licensee cannot demonstrate financial responsibility to meet requirements of the Board	Revoked
Bar Norfolk Bar & Restaurant/Norfolk	Sold to underage person; allowed lewd and disorderly conduct	Accepted Offer in Compromise of \$500 for #1 penalty & \$3,750 & 2 days suspended for # 2 penalty
Big Apple Food Mart & Deli/Newport News	Attempted to defraud the Board by filing a fraudulent report; licensee misrepresented a material fact in applying to the Board for a license	Revoked
Biltmore Grill/Harrisonburg	Allowed intoxicated person to loiter on property; sold alcohol to intoxicated person	30 days suspended or \$2,000 fine & 10 days suspended
Bo's Belly Barn/Winchester	Sold to underage person	Accepted Offer in Compromise 30 days suspended or \$3,000 and 10 days suspended
Booster Lounge/Suffolk	Licensee allowed non-members to patronize establishment; sold alcohol to unauthorized persons; licensee did not operate a private establishment	40 days suspended or \$1,000 fine and 25 days suspended
Boss Restaurant/Falls Church	Misrepresented a material fact in applying to the Board; cannot demonstrate financial responsibility to meet requirements of the Board	Revoked
C C Store/Staunton	Sold to underage person	30 days suspended or \$3,000 fine
Captain's Grill/Richmond	Characteristics of the food business conducted on the premises ceases to qualify as a restaurant	Revoked
Easy Go/Chesapeake	Sold to underage person	30 days suspended or \$3,000 fine and 10 days suspended

## Licensee violations and penalties *continued*

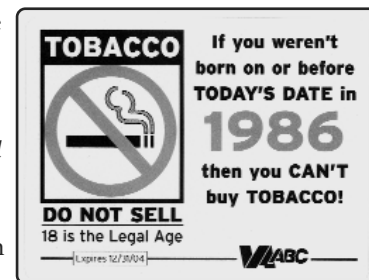
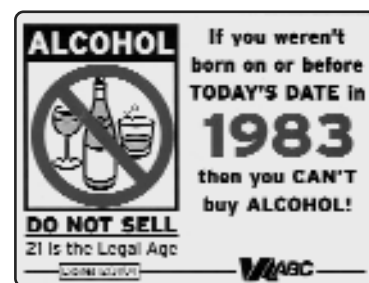
Licensee	Violation	Penalty
Fast Break/Hot Springs	Sold to underage person	30 days suspended or \$2,500 fine and 10 days suspended
Food Lion/Richlands	Sold to underage person	Accepted Offer in Compromise 30 days suspended or \$3,000
Gold City/Richmond	Lewd or disorderly conduct on three occasions; June; July; August	Revoked
Hague Market/Hague	Sold to underage person	30 days suspended or \$2,500 and 10 days suspended
Jr. Market/Virginia Beach	Sold to underage person	30 days suspended or \$3,000 and 10 days suspended
Monroe Bay Landing/Colonial Beach	Licensee is not legitimate owner of business as license issued by Board, or another person has ownership interest in business not disclosed	Revoked
New China Chinese Restaurant/South Hill	Sold to intoxicated person; allowed beer dispensed for on-premise consumption to be removed from premises; manager unable to speak, write, understand English	Revoked
Oldtown Cafe/Warrenton	Licensee failed to timely submit annual review report to Board	Revoked
Sharon's Graffiti/Roanoke	Licensee was convicted of a felony or any crime or offense involving moral turpitude	Revoked

## Do Not Sell Stickers Coming Soon

**T**he *Do Not Sell* stickers for 2004 will be mailed to all licensees in December for arrival by January 1, 2004. They are easy to read tools that aid sellers when checking IDs. The stickers have been revised, making them more effective in preventing sales to underage buyers. In recent years, the same color was used for combined tobacco and alcohol stickers, making it harder for some licensees to distinguish the difference and determine the correct legal age for sales of each product.

This year's stickers were created using two different colors, printed on separate pages for tobacco and alcohol. The bright neon colors were selected to ensure the dates are clearly visible to both consumers and sellers. To deter underage buyers, ABC suggests placing the stickers where the seller and buyer can see them, possibly on the countertop or bar where purchases are made.

Although it's not mandatory, it is extremely important that these stickers are displayed in *all* licensed establishments. Additional stickers, or stickers in Spanish, are available upon request by calling ABC's Public Affairs Department at (804) 213-4413 or emailing the request to [pubrel@abc.state.va.us](mailto:pubrel@abc.state.va.us). Please include the number of sheets needed, mailing address and which version – English or Spanish.



## A Success Story



Bob Wilcox takes pride in running the Virginia Pantry located in Powhatan, Virginia, and he should. Operating under his current ABC license since 1998, Wilcox has maintained a violation-free establishment thanks to his understanding and

appreciation of the state regulations. "I have made several attempts to find the ideal method to impress upon our staff the importance of operating within the compliance of ABC regulations," said Wilcox. "Without question, the best method I have found for great results is a thorough, detailed training session for staff about the laws and consequences of noncompliance."

According to Wilcox, after an awareness of the laws, establishing a "when in doubt, don't gamble" policy on alcohol or tobacco-related issues is key. This philosophy echoes ABC's position that it's less costly and troublesome to say "no" to a customer when in doubt than to risk fines, suspensions, a license revocation or worse.

Wilcox also found the assistance of the special agent assigned to his territory invaluable. He stated she has been responsive and helpful when called about situations occurring of a questionable nature. "After speaking with the special agent, we have been able to respond to our customers with a well-defined explanation of the laws."

Wilcox must take these regulations seriously since a good portion of his revenue comes from a selection of wines to compliment the gourmet cheeses and food also offered in his store.

"Bottom line, there is no substitute for having a full knowledge and understanding of the regulations of Virginia ABC."

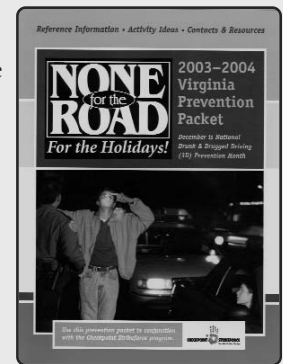
## Licensees Can Make It *None for the Road*

Virginia's on and off-premise licensees can play their part to promote *None for the Road* during the winter holidays and throughout the year. *None for the Road* is a statewide campaign coordinated by Virginia ABC and funded by the Virginia Department of Motor Vehicles that discourages drinking and driving.

Licensees can order the *None for the Road* prevention packet to help plan programs throughout the year with public safety agencies, community groups and other businesses. The packet is available at no charge.

In the previous years of the campaign, marketing or premium items such as pens, buttons and banners were given to licensees to help support local events. This year, due to budget constraints, these items were not funded.

To view the packet on-line or to learn more about *None for the Road*, visit the ABC web site at [www.abc.state.va.us](http://www.abc.state.va.us) or call the Education Section of ABC at 804-213-4468.



## Hearings and Appeals Cases - Year In Review

Licensees frequently ask: How many cases are received by the Hearings and Appeals Division each year? Licensees often want to know how the Board ultimately resolves the cases.

From January 1 to October 31, 2003, the Hearings and Appeals Division received 1002 cases and completed 837 cases. The cases received included: 939 referrals for administrative hearings on disciplinary matters; 53 cases in which a licensee's application was contested by local objectors or ABC agents; 6 banquet applications contested by local objectors or ABC agents, and 4 cases involving disputes between licensee's governed under the Beer and Wine Franchise Acts of the ABC Code.

During that time, final decisions resulted from the following processes:

Consent Settlement Offer (First offense settled prior to hearing)	449
Initial Hearing (Hearing with an ABC hearing officer- no appeal)	222
Offer in Compromise (Offer to settle case, made directly to the Board)	124
Appeal Hearing before the ABC Board (After initial hearing)	34
Modification by the Board (Board modified the initial hearing decision)	4
Hearing Panel Decision (Franchise cases only)	2

For more information on these disposition methods, visit the ABC web site at [www.abc.state.va.us](http://www.abc.state.va.us) and go to the Hearings and Appeals page.

## ID Scanning Technology Used to Reduce Underage Consumption

Relatively new to the market, ID scanning devices are growing in popularity as establishments look for ways to deter underage consumption through the use of Fake IDs. A user-friendly tool that helps eliminate human error, ID scanning devices determine if the document has been altered or has expired and if the person to whom the document was issued meets minimum age requirements for age-sensitive purchases.

In today's Internet savvy society, fake IDs are becoming increasingly sophisticated and undistinguishable from the real thing. Utilizing an ID scanner is one avenue of preventing underage violations that lead to costly fines, suspensions or even license revocation.

Several types of ID scanners exist; one reads magnetic stripes, one reads barcodes and some hybrid devices read both.

Virginia licenses have barcodes, and most states are converting from strips to barcodes. Many devices are stand-alone while others are integrated into and combined with Point of Sale (POS) systems. Establishments can mount their scanners on the register or the counter, and some have seen great success when used by staff at the front door.

The scanners can also detect fake or altered military identification cards and licenses from Canada and certain foreign countries. In fact, the Pentagon, INS, Secret Service, military bases and several airports have purchased these scanning devices to detect fraudulent identifications.

For a current list of vendors who have provided information to ABC, please contact Gina Shand at (804) 213-4567.

## ABC Offers Licensees Option to Return Products In Certain Circumstances

Virginia ABC wants mixed beverage licensees to know they may return merchandise to an ABC store for any of the following reasons:

1. Erroneous delivery by store
2. Defective merchandise
3. License revoked or suspended for a period of 60 days or more by the Board
4. Unforeseen and unavoidable change or cancellation of a scheduled one-day event
5. Wrong merchandise ordered (return within seven days)
6. Voluntary surrender of a license

ABC aims to provide all its customers, including licensees, with excellent customer service and hopes that licensees see this avenue as a cost savings benefit. However, a 15 percent restocking fee for returns over \$100 will apply. The fee only applies to the amount in excess of \$100. For example, on a return of products valued at \$125, the licensee would be charged a restocking fee of \$3.75, which is 15 percent of \$25. The restocking fee will not be charged if an erroneous delivery by the store occurs.

ABC asks that licensees assist store management by double-checking items when placing orders to ensure a minimal occurrence of errors. Merchandise may be returned to any store, but returns usually proceed more smoothly in the store that the licensee frequently visits.

## Environmental Group Seeks Licensee Awareness

The Virginia Department of Environmental Quality (DEQ) and the Virginia Litter Control and Recycling Fund Advisory board recently launched a unified, statewide campaign to raise awareness about the importance of litter prevention. DEQ sought Virginia ABC's help in spreading the message about litter control to the thousands of off-premise licensees across the Commonwealth that sell products made of materials such as paper, aluminum, plastic and glass.

The *Litter...It Just Isn't Natural* campaign targets men aged 18-35, an audience that research showed was the most likely

to litter. This campaign, complete with broadcast public service announcements, posters and stickers, aims to spread several key messages addressing the harmful effects of litter. The campaign conveys that litter is a breeding ground for fire, rats and disease-causing bacteria, and ingesting it can cause injury or death to thousands of pets as well as wild and farm animals. Additionally, litter causes accidents and injuries to people on highways, beaches, waterways and at recreational areas. The campaign also addresses the point that litter is unattractive and bad for economic development.

To keep establishments litter-free, safer and more attractive to customers, DEQ suggests regularly changing the bags in the exterior trashcans. If they are full, customers are more likely to discard their trash on the premises. Plus, litter can spill out of full trashcans. Adding exterior trashcans and continually monitoring the activities of customers outside may also alleviate litter problems.

For more information about the campaign, materials available to partners, or how to get more involved, contact Steve Coe, DEQ (804) 698-4029 or Teresa Dougherty, Siddall (804) 788-8011.

# Ask ABC: Questions from the Field

"Ask ABC" is intended to provide answers to common and not-so-common questions that affect ABC retail licensees and their employees. This serves as an easy-to-use supplement to all of the education materials already offered through ABC, but is not a legal document and does not supercede the Code of Virginia, Virginia Administrative Code or any other statute.

Have a retail license question for ABC?

To submit a question to Ask ABC, please e-mail your question and a photo (jpeg preferred) of your establishment to:

[mwmillr@abc.state.va.us](mailto:mwmillr@abc.state.va.us)

**Q: Is it a violation if a licensee allows an intoxicated patron to remain on premise, and is this considered public intoxication?**

A: Yes and Yes. A licensee can receive a violation if he or she "has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises." (COV 4.1-225)

*A public place "means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies, and corridors of hotels, and any highway, street, lane, park, or place of public resort or amusement." (COV 4.1-100)*

**Q: What are the requirements for an on-duty ABC manager on a licensed premise?**

A: The licensee must designate an ABC manager who is responsible for overseeing all business conducted under the license while the business is open. At least one ABC manager must be on duty at all times, and his or her name must be clearly posted during the entire shift (3 VAC 5-50-40). In addition, licensees must always have at least one ABC manager on duty that can satisfactorily speak and read the English language (COV 4.1-222).

**Q: How many drinks can a patron purchase at one time?**

A: No more than two drinks of wine, beer or mixed beverages during "happy hour." During all other times, patrons may have no more than two mixed drinks at one time, and there's no restriction for wine and beer.



Governor  
Mark R. Warner

**Governor Mark Warner is dedicated to seeing Virginia lead the nation in the new century and in the new economy.**

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